



**ANTITRUST DIVISION
WORKLOAD STATISTICS
FY 2000 - 2009¹**



INVESTIGATIONS

Total Investigations Initiated, by Primary Type of Conduct²	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Sherman §1 - Restraint of Trade ³	73	67	75	112	61	100	87	69	66	70
Sherman §2 - Monopoly	4	3	8	4	4	3	3	1	0	4
Clayton §7 - Mergers	177	147	101	93	92	108	96	101	84	68
Others ⁴	7	8	8	9	14	6	18	15	22	22

¹ On 3/23/12, FY 2000 through FY 2009 statistics were adjusted in the following categories: (1) Total Investigations Initiated, by Primary Type of Conduct; (2) Total Preliminary Inquiries: Criminal, Civil Non-Merger, and Merger; (3) Merger Investigations; (4) Non-Merger Investigations; (5) Total Civil Cases; (6) Restraint of Trade – Civil (Sherman 1); (7) Monopoly – Civil (Sherman 2); and (8) Other Civil. Previously some categories counted investigations each time they entered a new phase of the investigation (e.g., after compulsory process issued). Matters are now counted only once, even if they moved through several stages of investigation. In addition, all civil investigations were reviewed to ensure correct categorization.

² Statistics reflect only the primary type of conduct under investigation at the outset of the investigation; this report does not reflect whether a matter investigated a potential violation of an additional statute(s), or whether the primary violation changed during the pendency of the investigation. See “District Court Antitrust Cases” for numbers of cases by offense. Does not include business reviews, judgment modification or termination investigations, or premerger notifications, but includes investigations initiated as a result of premerger notifications.

³ This category reflects both civil and criminal investigations.

⁴ This category includes investigations of potential violations of Clayton §§ 3, 7A, and 8, the Robinson-Patman Act, and Title 18, among other statutes.

Business Reviews	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Requested	15	13	5	4	2	6	6	9	8	3
Closed	12	8	6	26	2	1	10	6	6	9
• Granted	9	7	6	12	2	0	4	5	2	5
• Denied	0	0	0	1	0	0	0	0	0	0
• Declined	2	1	0	0	0	0	0	0	0	1
• Withdrawn	1	0	0	13	0	1	6	1	4	3
Pending	24	29	28	6	6	11	7	10	12	6

Hart-Scott-Rodino (HSR) Premerger Notifications	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Received	4,926	2,376	1,187	1,014	1,428	1,675	1,768	2,201	1,726	716
HSR Investigations Initiated	139	107	77	70	76	90	77	82	70	49
Number of Cases Filed	20	7	4	7	5	2	10	2	14	6

Total Preliminary Inquiries: Criminal, Civil Non-Merger, and Merger	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Initiated ⁵	242	204	175	182	156	184	172	157	147	138
Matters that exited the Preliminary Inquiry Phase	228	211	184	170	174	185	189	146	146	150
Pending	148	141	132	144	126	125	108	119	120	108

⁵ Every investigation, with the exception of certain criminal matters that open as grand jury investigations, opens as a preliminary inquiry. Matters exit the preliminary inquiry phase by closing; in the case of criminal preliminary inquiries, becoming grand jury investigations; or in the case of civil preliminary inquiries, through the issuance of Civil Investigative Demands. This category only addresses investigations in the civil or criminal preliminary inquiry stage. Investigations opened with the purpose of exploring judgment modification or termination are not included here in the total number of preliminary inquiries initiated. Such judgment modification/termination investigations are addressed separately under the Judgment Enforcement sections.

CIDs Issued	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Total number	980	822	573	631	562	727	376	527	355	510
Documentary	56	64	73	54	110	104	11	55	65	59
Written	98	169	4	52	14	6	1	0	1	7
Oral	257	301	175	239	186	161	131	150	125	132
Documentary/Written ⁶	569	288	321	286	252	446	231	318	157	302
Oral/Documentary ⁷	0	0	0	0	0	10	2	4	7	10

CIVIL INVESTIGATIONS

Merger Investigations	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Total Number (HSR and Non-HSR Investigations)	177	147	101	93	92	108	96	101	84	68
HSR Investigations	139	107	77	70	76	90	77	82	70	49
• HSR Investigations: Second Requests	55	43	22	20	15	25	17	32	20	16
Non-HSR Investigations	38	40	24	23	16	18	19	19	14	19
• Non-HSR Investigations: CIDs Issued	6	3	8	9	6	7	5	1	2	9
Merger CIDs Issued	787	640	380	443	207	510	276	395	205	263

⁶ Combined documentary and written CIDs served to one person, corporation, partnership or legal entity.

⁷ Combined oral and documentary CIDs served to one person, corporation, partnership or legal entity. Statistic is only available from FY 2005.

Non-Merger Investigations	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Total Number	37	23	27	36	38	29	35	14	24	33
• Non-Merger Investigations: CIDs Issued	13	17	16	22	17	19	16	12	11	20
Non-Merger CIDs Issued	193	182	193	188	355	217	100	132	150	247

Civil Investigation Results	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Merger Investigations: Total Number of Public Challenges	48	32	10	15	9	4	16	12	16	12
• Actions Filed in District Court ⁸	21	8	4	9	6	3	10	4	15	7
• Transactions Restructured or Abandoned Prior to Filing a Complaint as Result of an Announced Challenge	27	24	6	6	3	1	6	8	1	5
Non-Merger Investigations: Actions Filed in District Court	2	1	3	5	2	8	2	2	4	2

⁸ These statistics are the same as those reported under "District Court Antitrust Cases - Merger Cases Filed" on page 6.

CRIMINAL INVESTIGATIONS AND CASES

Grand Jury Investigations	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Initiated	26	26	26	48	21	38	38	34	32	38
Terminated	35	19	17	19	29	27	42	22	30	31
Pending	82	88	97	126	118	128	123	135	137	144

Criminal Cases Filed	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Total Cases Filed	63	44	33	41	42	32	34	40	54	72
Individuals Charged	60	39	32	28	39	47	37	47	59	65
Corporations Charged	40	22	14	16	20	27	24	10	25	22

DISTRICT COURT ANTITRUST CASES

TOTAL CIVIL CASES	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Filed	23	9	7	14	8	11	12	6	19	9
Terminated ⁹	12	23	14	11	12	6	20	9	11	16
• Won	12	23	13	11	11	6	17	9	11	16
• Lost	0	0	1	0	1	0	2	0	0	0
• Dismissed	0	0	0	0	0	0	1	0	0	0
Pending	41	27	20	23	19	24	16	13	21	14

RESTRAINT OF TRADE - CIVIL (SHERMAN §1)	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Filed	2	0	2	3	0	7	1	1	2	0
Terminated	0	0	0	2	2	1	9	1	2	1
• Won	0	0	0	2	2	1	8	1	2	1
• Lost	0	0	0	0	0	0	1	0	0	0
• Dismissed	0	0	0	0	0	0	0	0	0	0

MONOPOLY - CIVIL (SHERMAN §2)	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Filed	0	0	0	0	0	0	0	0	0	0
Terminated	0	0	0	0	1	0	0	1	0	0
• Won	0	0	0	0	0	0	0	1	0	0
• Lost	0	0	0	0	1	0	0	0	0	0
• Dismissed	0	0	0	0	0	0	0	0	0	0

⁹ Figures are computed using the closing date of the case.

MERGER CASES (CLAYTON §7)	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Filed	21	8	4	9	6	3	10	4	15	7
Terminated	12	23	14	8	7	4	6	6	8	15
• Won	12	23	13	8	7	4	5	6	8	15
• Lost	0	0	1	0	0	0	1	0	0	0
• Dismissed	0	0	0	0	0	0	0	0	0	0

DAMAGE ACTIONS - CIVIL	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Filed	0	0	0	0	0	0	0	0	0	0
Terminated	0	0	0	0	0	0	0	0	0	0
• Won	0	0	0	0	0	0	0	0	0	0
• Lost	0	0	0	0	0	0	0	0	0	0
• Dismissed	0	0	0	0	0	0	0	0	0	0

OTHER CIVIL	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Filed	0	1	1	2	2	1	1	1	2	2
Terminated	0	0	0	1	2	1	5	1	1	0
• Won	0	0	0	1	2	1	4	1	1	0
• Lost	0	0	0	0	0	0	0	0	0	0
• Dismissed	0	0	0	0	0	0	1	0	0	0

TOTAL CRIMINAL CASES	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Filed	63	44	33	41	42	32	34	40	54	72
Won	52	38	37	32	35	36	31	31	47	67
Lost	0	2	1	1	1	1	0	1	4	2
Pending	35	39	34	42	48	43	44	54	57	60
Appeal Decisions	0	5	1	2	7	4	5	1	4	2

RESTRAINT OF TRADE - CRIMINAL (SHERMAN §1)	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Filed	52	37	23	23	28	23	21	25	26	37
Won	44	29	28	19	17	31	20	19	25	29
Lost	0	1	1	1	1	1	0	1	3	2
Pending ¹⁰	30	37	31	34	44	35	36	41	39	45

¹⁰ This represents the number of Cases pending identifiable as a case with a Sherman Act – Restraint of Trade violation. This updated information is as of FY 2009, and replaces the method previously used. A pending case is defined as a case whereby no defendant in a case has entered a plea of guilty or has been found guilty at trial.

OTHER CRIMINAL CASES Charging Primarily Other Federal Crimes such as Perjury, Mail Fraud, Contempt, Obstruction of Justice, or False Statements	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Filed	11	8	10	18	14	9	13	15	28	35
Won	8	10	9	13	18	5	11	12	22	38
Lost	0	1	0	0	0	0	0	0	1	0
Pending ¹¹	5	2	3	8	4	8	10	13	18	15

APPELLATE CASES

ANTITRUST DIVISION CASES COURT OF APPEALS	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Filed	10	3	6	7	5	3	0	2	6	1
Terminated	3	6	2	5	11	5	7	1	6	3
• Won	3	4	2	3	8	4	7	1	6	3
• Lost	0	1	0	1	3	0	0	0	0	0
• Dismissed	0	1	0	1	0	1	0	0	0	0

¹¹ This represents the number of Cases pending identifiable as charging primarily other federal crimes such as perjury, mail fraud, contempt, obstruction of justice, false statements or other charges that are not Sherman Act – Restraint of Trade violations. This updated information is as of FY 2009, and replaces the method previously used. A pending case is defined as a case whereby no defendant in a case has entered a plea of guilty or has been found guilty at trial.

ANTITRUST DIVISION CASES SUPREME COURT	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Filed	1	1	0	0	1	1	2	0	0	0
Terminated	0	1	1	0	0	0	0	2	0	3
• Won	0	1	1	0	0	0	0	1	0	3
• Lost	0	0	0	0	0	0	0	0	0	0
• Dismissed	0	0	0	0	0	0	0	1	0	0

AMICUS CASES COURT OF APPEALS	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Filed	5	2	3	6	5	2	1	1	0	2
Terminated	2	2	3	4	4	4	1	0	0	2
• Won	2	1	2	1	3	3	1	0	0	2
• Lost	0	1	0	3	2	1	0	0	0	0
• Dismissed	0	0	1	0	0	0	0	0	0	0

AMICUS CASES SUPREME COURT	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Filed	1	1	1	0	3	4	4	4	2	2
Terminated	1	1	1	0	4	1	5	5	0	1
• Won	1	1	1	0	4	1	5	4	0	1
• Lost	0	0	0	0	0	0	0	1	0	0
• Dismissed	0	0	0	0	0	0	0	0	0	0

OTHER AGENCIES' CASES (ADMINISTRATIVE LAW CASES) COURT OF APPEALS	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Filed	69	35	49	76	93	101	59	65	128	58
Terminated	85	34	53	36	43	79	34	27	59	44
• Won	21	17	14	17	21	10	17	14	16	24
• Lost	1	15	5	2	2	9	3	3	2	8
• Dismissed	63	2	34	17	20	60	14	10	11	12

OTHER AGENCIES' CASES SUPREME COURT	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Filed	4	3	0	1	4	6	0	0	1	0
Terminated	2	1	1	0	1	2	1	0	0	0
• Won	1	1	0	0	1	2	1	0	0	0
• Lost	0	0	0	0	0	0	0	0	0	0
• Dismissed	1	0	1	0	0	0	0	0	0	0

JUDGMENT ENFORCEMENT

JUDGMENT ENFORCEMENT	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Divestitures	17	9	1	4	5	3	8	3	15	6
Decrees Modified/Terminated	5	6	6	7	3	1	1	2	4	3
Contempt Cases	0	0	1	0	2	1	2	1	2	1

JUDGMENT ENFORCEMENT: Modification/Termination Investigations ¹²	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Initiated	1	0	2	3	2	1	4	0	3	2
Terminated	6	2	0	2	4	2	14	1	5	3
Pending	16	15	17	18	16	15	5	4	2	1

¹² These are investigations to determine whether a judgment should be modified or terminated.

CASE RESULTS¹³

FINES IMPOSED¹⁴	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Individual: Total Individual Fines (\$000)	5,180	2,019	8,685	470	644	4,483	3,650	15,109	1,485	605
Number of Individuals Fined	43	20	19	16	15	22	17	25	23	27
Corporate: Total Corporate Fines (\$000)	303,241	270,778	93,826	63,752	140,586	595,966	469,805	615,671	695,042	973,740
Number of Corporations Fined	26	14	17	17	13	18	18	12	12	16
Total Fines Imposed (\$000)	308,421	272,797	102,511	64,222	141,230	600,449	473,455	630,780	696,527	974,345

OTHER CASE RESULTS	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Restitution Imposed in Connection with Criminal Cases¹⁵ (\$000)	1,713	31,083	7,278	15,545	18,776	10,371	2,165	4,790	5,226	17,060
Number of Defendants	20	17	21	21	16	15	7	23	8	22
HSR Penalties (\$000)	0	0	4,000	6,314	1,800	2,000	2,150	250	1,650	2,200
Number of Corporations	0	0	2	2	1	1	1	0	2	2
Number of Individuals	0	0	0	0	1	0	1	1	0	1

¹³ Dollar figures are amounts imposed during the fiscal year.

¹⁴ Does not include fines "agreed to" by defendants in plea agreements during the fiscal year but not yet imposed by the court.

¹⁵ Frequently restitution is not sought in criminal antitrust cases, as damages are obtained through treble damage actions filed by the victims.

CONFINEMENT

INCARCERATION	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Number of Individuals Sentenced	47	24	36	30	28	27	28	39	31	44
Number of Individuals Sentenced to Incarceration Time	18	11	19	15	20	18	19	34	19	35
Total Number of Actual Days of Incarceration Imposed by the Court	5,584	4,800	10,501	9,341	7,334	13,157	5,383	31,391	14,331	25,396

OTHER CONFINEMENT¹⁶	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Individuals Sentenced to Other Confinement	20	12	16	6	4	6	13	5	11	9
Number of Other Confinement Days	2,567	1,844	3,607	1,025	1,575	1,270	2,760	1,085	2,045	2,195

¹⁶ Includes house arrest or confinement to a halfway house or community treatment center.

GENERAL ANTITRUST ACTIVITIES

PARTICIPATION IN BANK MERGER PROCEEDINGS	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Total Screenings	1,373	1,328	1,079	994	1,127	943	1,048	1,030	656	463
Screenings Requiring Competitive Analysis	945	859	628	587	732	532	592	737	511	342

INTERNATIONAL ANTITRUST ACTIVITY	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Notifications to Foreign Governments and International Organizations	143	126	82	89	89	115	108	126	118	77
Representation at and Negotiations with Foreign Governments and International Organizations	51	53	25	27	55	31	70	44	41	50
Applications for Export Trade Certificates	6	3	2	5	4	11	6	10	14	6
Certificates Issued	4	3	2	3	6	8	6	8	15	5

FILINGS IN REGULATORY AGENCY PROCEEDINGS¹⁷	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Department of Transportation	0	0	3	2	0	1	1	0	0	1
Federal Energy Regulatory Commission	0	0	0	0	0	1	0	1	0	0
Securities and Exchange Commission	2	0	0	0	0	0	0	0	0	0
Federal Communications Commission	5	7	13	10	2	0	3	1	0	0
Federal Maritime Commission	0	0	0	0	1	3	1	0	0	0
Interstate Commerce Commission	1	0	0	0	1	0	0	0	0	0
Other	6	0	0	0	2	1	1	1	1	4
Total	14	7	16	12	6	6	6	3	1	5

¹⁷ These statistics may include counts of multiple filings for one proceeding.

OTHER ANTITRUST ACTIONS	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
4F (HSR) Information	2	1	3	0	0	0	0	2	1	0
Advice on Surplus Property	0	0	4	1	0	7	3	5	4	0
Meetings of Interagency Task Forces/Committees ¹⁸	47	46	41	51	28	50	22	34	51	53
Congressional Appearances	20	4	5	1	3	0	2	3	2	5
Congressional/OMB Requests for Comments	568	424	384	401	297	338	512	395	571	311
White House Referrals	25	625	157	226	2	1	3	0	1	0
Congressional Correspondence	578	597	477	186	109	85	92	82	90	117
Statutory Reports	4	21	13	17	19	39	56	77	63	40
Joint Research & Development Filings	48	24	30	17	252 ¹⁹	45	19	19	28	22
FOIA Requests	242	207	154	159	162	136	103	85	101	98
Privacy Act Requests	9	16	11	10	4	15	9	10	8	11

¹⁸ These figures reflect the number of formal interagency task forces, committees, or working groups that held meetings at which Division staff attended. The figures do not reflect the actual number of meetings held.

¹⁹ The National Cooperative Research and Production (NCRPA) Act was amended in 2004 to include standard development organizations.